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Disaggregating the Pentagon Offices

The Department of Defense, the Office of Special Plans and Iraq Pre-War Intelligence

Introduction

This paper contains (1) fact sheets reviewing controversial Pentagon pre-Iraq-war activities and (2) an analysis of the controversy.

Critics of the war in Iraq, including some who voted to authorize the President to use force against Iraq, continue to charge that the President “manufactured,” “distorted,” “misrepresented,” “exaggerated,” “concealed,” and “misused” intelligence to justify the war. Many of those charges involve the Pentagon’s pre-war activities, and relate to two elements of the Office of the Under Secretary of Defense for Policy (“OUSDP”): the Policy Counter Terrorism Evaluation Group (“PCTEG”), and the Office of Special Plans (“OSP”). The main charge is that these offices somehow produced or manipulated intelligence to make the case for war. Some critics have spoken of a cabal, consisting of Vice President Cheney, Secretary of Defense Rumsfeld, Deputy Secretary of Defense Wolfowitz, Under Secretary of Defense Feith, and others and have alleged that members of this cabal operated outside of proper government channels, pressured intelligence analysts, and made statements to deceive Congress and the American people.

The bipartisan Senate Select Committee on Intelligence (“SSCI”) and the bipartisan WMD Commission (Silberman-Robb) separately examined these matters in detail. Each concluded unanimously that no intelligence analysts were pressured. The SSCI also found that there was no basis for any allegations that have been made against the OUSDP. Nevertheless, critics of the Administration have continued to make allegations for which there is no support.

As it was completing its July 2004 report on Iraq pre-war intelligence issues, the SSCI decided to add a Phase II to its inquiry, one part of which would be a further look into the work of the OUSDP. On September 9, 2005, SSCI Chairman Pat Roberts wrote to the Department of Defense Inspector General, stating: “The Committee is concerned about persistent and, to date, unsubstantiated allegations that there was something unlawful or improper about the activities of

the Office of Special Plans within the office of the Under Secretary of Defense for Policy. . . . I have not discovered any credible evidence of unlawful or improper activity, yet the allegations persist.”¹ In an attempt to lay these allegations to rest once and for all, he requested the Inspector General to “initiate an investigation into the activities of the Office of Special Plans during the period prior to the initiation of Operation Iraqi Freedom to determine whether any of [its] activities were unlawful or improper; . . . [that is,] whether the personnel assigned to the Office of Special Plans, at any time, conducted unauthorized, unlawful, or inappropriate intelligence activities.”² Senator Levin has asked the Inspector General to look at the activities of the OUSDP generally, and not just the OSP.³ The SSCI is awaiting the outcome of the DOD Inspector General’s review.⁴

The following fact sheets and analysis shed light on the allegations about the OUSDP and clarify that the allegations are without foundation.

¹ Senator Pat Roberts, Letter from the Chairman, Senate Select Committee on Intelligence, to the Honorable Joseph E. Schmitz, Inspector General, Department of Defense, Sept. 9, 2005.

² Id.

³ Senator Carl Levin, letter of the Ranking Member of the Senate Armed Services Committee to Tom Gimble, Acting Department of Defense Inspector General, Sept. 22, 2005.

⁴ The SSCI continues to pursue the other parts of the Phase II investigation, such as “the use by the Intelligence Community of information provided by the Iraqi National Congress (INC).”

What was the Office of Special Plans?

- The Office of Special Plans (“OSP”) is distinct from the Policy Counter Terrorism Evaluation Group (“PCTEG”). OSP was one of the many offices that was responsible for regional issues within DOD’s Policy organization. The PCTEG was a small (two-person) project (not an office) of individuals who were not part of OSP.

Organization

- The Defense Department’s Policy organization has offices that cover all the regions of the world, one of which is the Near East and South Asia (“NESA”) office. NESA has responsibility for defense policy matters relating to the entire North African, Middle East, and South Asian region (“from Marrakesh to Bangladesh”).
- In September 2002, due to the increasing workload on Iraq, Deputy Secretary of Defense Paul Wolfowitz approved an increase in personnel for the Near East/South Asia office. NESA reorganized itself to manage its expanded staff and greater workload. As part of the reorganization, it created a Northern Gulf Directorate, and gave it the name “Office of Special Plans.”
 - The name was purposefully non-descript. The administration did not want news stories about the Pentagon creating a new Iraq office at a time when the President was working to win diplomatic support for a non-military solution to the Iraq problem.
 - After major combat operations ended in Iraq, OSP was renamed “Northern Gulf Affairs.”

Functions

- OSP functioned the way other regional offices did within Policy. Among its Iraq-related tasks were:
 - encouraging the then-opposition to unify and organize itself,
 - developing United Nations resolutions on the topic,
 - working to organize the training of the Free Iraqi Force, and
 - working within the interagency process that had begun planning for Iraq-related diplomacy, war, and reconstruction.
- OSP’s mandate was standard for an office within the Policy organization, which was to develop U.S. strategy and policy options for senior decision makers.⁵ This is what DOD’s Policy Office has done over many years as the principal office advising the Secretary on national security and defense policy.

⁵ Douglas J. Feith, letter from the Under Secretary of Defense for Policy to Senator Carl Levin, Ranking Member, Senate Armed Services Committee, Feb. 3, 2004.

Did the Office of Special Plans Run the Iraqi National Congress (“INC”) Intelligence Program?

- No. The INC Intelligence Collection Program was first run by the State Department. In 2002, the program was transferred to the responsibility of the Defense HUMINT Service of the Defense Intelligence Agency.
- The INC Intelligence Collection Program was the means by which the Iraqi National Congress provided the U.S. intelligence community with access to documents and Iraqi defectors. The INC itself did not perform the collection; rather it facilitated U.S. access to the documents and people.
 - For example, Defense HUMINT Service handled the INC source used for the intelligence community’s conclusions in the October 2002 National Intelligence Estimate (“NIE”) about Iraq’s biological weapons program.⁶
 - Since Iraq was a closed society—a hard target for our intelligence community—one of the ways to collect information about Iraq was to obtain information from Iraqi external (i.e., exile and Kurdish) groups.
- Contrary to news media allegations, OSP had no role in collecting or disseminating intelligence; it was a policy office, not an intelligence office.
- It was an inter-agency decision in 2002 that transferred administration of the INC Intelligence Collection Program to intelligence professionals at the Defense Intelligence Agency’s Defense HUMINT Service.
 - Relevant congressional committees were informed of the transfer at the time.
- So, the INC intelligence program was run within normal intelligence channels. It was run by the DIA.
- It has been alleged that the INC intelligence program did not provide information of value, but, on the contrary, produced false information.
- The INC intelligence program, like every other intelligence collection program, provided a mix of good and bad information. Intelligence professionals at DIA and U.S. Central Command intelligence officers in the field in Iraq evaluated the INC intelligence program and concluded that, overall, it was valuable and better than some similar programs with other Iraq external groups.

⁶ Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, Final Report to the President (U), p. 84-85 (March 31, 2005).

What was the Policy Counter Terrorism Evaluation Group (“PCTEG”)?

- PCTEG was a project initiated by the Under Secretary of Defense for Policy, and is often confused with the Office of Special Plans.
- PCTEG’s work had its origin in the work of two staff members in the OUSDP. In October-December 2001, these two staff members read through voluminous intelligence reports and prepared a paper in the form of approximately 150 briefing slides that highlighted the interconnections among various terrorist groups and their state supporters.
- After these two individuals left the Pentagon, Under Secretary Feith, in February 2002, asked the Director of DIA in writing for three individuals to replace them.⁷ The DIA Director agreed to provide two of the three requested individuals. The matter was handled openly and routinely. In that request for support from the DIA, the project was given the name PCTEG.⁸
 - The two individuals whom DIA detailed in February 2002 became the PCTEG. The PCTEG never had any contractors and was never more than two persons at any one time.
 - One of these two DIA staff members was demobilized in April 2002.⁹ Other Department of Defense staff then continued similar work reviewing intelligence information for the purposes of supporting the War on Terrorism.
- “Neither the PCTEG nor Special Plans was ever secret.”¹⁰
- PCTEG’s purpose was to review the existing intelligence “to think through what it means for the Defense Department to be at war with a terrorist network.”¹¹
 - War with a network of networks of terrorist organizations, as opposed to with a nation-state, “presents a number of peculiar conceptual challenges.”¹²
- PCTEG “was created to help policymakers digest large amounts of intelligence community information on international terrorist networks with the aim of identifying ‘chokepoints’ of cooperation and coordination, identifying vulnerabilities, and recommending strategies to render terrorist networks ineffective.”¹³

⁷ Douglas J. Feith, Memorandum from the Under Secretary of Defense for Policy to the Director, Defense Intelligence Agency, re Request for Support, Feb. 2, 2002, I-02/001533-NESA.

⁸ Id.

⁹ Douglas J. Feith, Statement of the Under Secretary of Defense for Policy before the Senate Select Committee on Intelligence, July 10, 2003.

¹⁰ Douglas J. Feith, letter from the Under Secretary of Defense for Policy to Senator Pat Roberts, Chairman, Senate Select Committee on Intelligence, May 12, 2004.

¹¹ Douglas J. Feith, Press Briefing with the Under Secretary of Defense for Policy, and William J. Luti, Deputy Under Secretary of Defense for Special Plans and Near East and South Asian Affairs, June 4, 2003, *available at* <http://www.defenselink.mil/transcripts/2003/tr20030604-0248.html>.

¹² Id.

¹³ Id. *See also* Feith, July 10, 2003, Statement to the SSCI.

Background Facts

- On September 20, 2001, nine days after the attacks of September 11, the President addressed a joint session of Congress, in which he announced a war to disrupt and defeat the global terror network.¹⁴ The Policy organization at the Department of Defense was responsible for advising the Secretary of Defense on developing the strategy and policy options in that war.
- For the Department to fight the war on terrorism, the Department first had to understand the terrorism threat. Under Secretary Feith asked two Policy officials (the forerunners of the PCTEG) to review the intelligence on terrorism to summarize and analyze what was known within the U.S. government about the various terrorist groups, how they related to each other, and how they related to other entities that supported them, particularly state sponsors of terror.¹⁵ The purpose was to develop strategy and policy ideas.
- These activities are routine and proper for the Department of Defense Policy organization.

¹⁴ George W. Bush, President's Address to a Joint Session of Congress and the American People, 37 Weekly Comp. Pres. Doc. 1347 (Sept. 24, 2001).

¹⁵ Feith, Press Briefing.

Did the PCTEG Collect its Own Intelligence Regarding an Iraq-Al Qaeda Connection?

- No. PCTEG and the two staff members who were its predecessor reviewed and relied on information previously collected¹⁶ by the intelligence community and on the community's analytical products.
 - Its research was global in scope and was not confined to looking at just Iraq or al Qaeda or the connection between them.
 - Rather, it looked "at global terrorist networks and the full range of state sponsors and other sources of support for terrorist groups."¹⁷
- PCTEG's main product was a presentation of approximately 150 briefing slides. The main conclusion of this report noted the many intelligence reports of linkages among terrorist groups and state supporters that cut across ethnic, national, religious, and ideological lines—an assessment that ran counter to some of the conventional wisdom at the time, which assumed, for example, that religious extremists groups would not cooperate with secular national governments.
 - The particular finding regarding potential linkages between Iraq and al Qaeda was but one part of the presentation, and an incidental one at that.¹⁸
- In the spring of 2002, the sole remaining member of the PCTEG and other DOD staff members reviewed intelligence data on the potential Iraq-al Qaeda relationship.¹⁹ In reviewing the intelligence provided to it by the CIA and other parts of the intelligence community, they "came up with some interesting observations about the linkages between Iraq and al Qaeda."²⁰ They produced what amounted to a critique of the intelligence community's work on those linkages.
 - It is inaccurate to refer to this as the work of the PCTEG. It was the work of several people in OUSDP, including the one remaining PCTEG member.²¹
- That critique was presented to senior DOD officials, including Secretary Rumsfeld, in June-August 2002. It was briefed to CIA Director George Tenet in August 2002 (see next fact

¹⁶ Collection "is the gathering of the raw information needed to produce finished intelligence." Central Intelligence Agency, Factbook on Intelligence, p. 15 (2000).

¹⁷ Feith, Press Briefing.

¹⁸ Feith, Press Briefing ("[T]he main thing that the briefing of this team produced was not this Iraq-al Qaeda connection. That was incidental. The main thing that the team produced was it helped—it helped educate a lot of people about the fact that there was more cooperation and interconnection among these terrorist organizations and state sponsors across ideological lines than many people had appreciated before."). See also Douglas J. Feith, letter from the Under Secretary of Defense to Senator John Rockefeller, IV, Vice Chairman, Senate Select Committee on Intelligence, February 13, 2004 ("[T]hese briefings had their origins in other work, not exclusively focused on links between Iraq and al-Qaeda.").

¹⁹ Feith, July 10, 2003, Statement to the SSCI.

²⁰ Feith, Press Briefing.

²¹ United States Senate Select Committee on Intelligence, *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*, July 9, 2004, p. 308.

sheet) and to members of the National Security Council and staff in the Office of the Vice President on September 16, 2002.²²

- The critique contended that the intelligence community in 2002 was ignoring or underplaying its own older reports about Iraq-al Qaeda contacts. There was also a criticism of the community's approach to the issue in general.
 - The DOD staff members believed that these "older reports gained new significance in light of information obtained by debriefing detainees."²³
 - The DOD staff members did not independently assess that these old reports were valid; they just criticized the intelligence community for ignoring the reports.
 - They argued that the reports should at least be addressed.

²² SSCI Report, p. 311.

²³ Feith, July 10, 2003, Statement to the SSCI.

Was DOD's Iraq-al Qaeda Work Kept Secret From the Intelligence Community?

- No. The DOD staff members responsible for the critique presented it to Director of Central Intelligence George Tenet on August 15, 2002. As soon as Secretary Rumsfeld had received the briefing on the critique, he said it should be shared with DCI Tenet.²⁴
 - The briefing slides used in presenting the critique changed continually. The slides used in the presentation to the CIA were largely identical to those used with Secretary Rumsfeld, but did not contain some general criticisms²⁵ that the DOD officials believed “would distract from the discussion of the substance” of the presentation.²⁶
- Furthermore, after the presentation, Director Tenet asked the DOD presenters to speak with the intelligence community analysts responsible for the issue, as the analysts were in the process of drafting an analytical product titled *Iraqi Support for Terrorism*.
- The intelligence community analysts and DOD staff met at a coordination meeting on August 20, 2002 to discuss the topic.²⁷ The DCI's Counterterrorist Center (“CTC”) published its product in September 2002.
- The SSCI found that the DOD staff members “‘played by IC [intelligence community] rules’ in terms of their participation” at the meeting.²⁸
- The SSCI also found that the DOD staff members’ “presence did not result in changes to [the intelligence community’s] analytical judgments.”²⁹
- The SSCI found that “the policymakers’ probing questions . . . actually improved” the CIA products.³⁰

²⁴ SSCI Report, p. 310.

²⁵ SSCI Report, p. 310.

²⁶ Douglas J. Feith, Letter from Under Secretary of Defense for Policy to Senator Carl Levin, Ranking Member, Senate Armed Services Committee, March 25, 2004.

²⁷ SSCI Report, p. 310.

²⁸ SSCI Report, p. 363.

²⁹ SSCI Report, p. 363.

³⁰ SSCI Report, p. 34.

Was it Wrong for OSD Staff to Question Intelligence Community Analysis?

- No. As the WMD Commission stated in its cover letter to the President, “Sharp questioning” of an intelligence assessment is not “‘politicization’; it is a necessary part of the intelligence process.”
 - Elsewhere, the Commission held that this “is the system working at its best.”³¹
 - The SSCI report contained a similar finding that intelligence community analysts should expect repeated and difficult questions from policymakers.³²
- Moreover, the SSCI specifically reviewed the allegation that policymaker questioning of intelligence analysts forced the analysts to alter their findings regarding an Iraq-al Qaeda relationship.
 - The SSCI found that “the policymakers’ probing questions . . . actually improved” the CIA products.³³
- At no time did DOD staff members present their findings as conclusions of the intelligence community. They presented their work as policy analysis that took issue with some of the intelligence community’s work on the matter.
- To the extent the substance of the DOD presentation was different from the view held by the intelligence community, former Director Tenet specifically stated that it is his view “that prevails.”³⁴
 - As evidence of that, the spokesman for the National Security Council was quoted as noting that the Pentagon’s work did not change the thinking of Mr. Stephen Hadley, then Deputy National Security Advisor, on the matter, because Mr. Hadley’s source for intelligence information was the CIA.³⁵
- Policymakers are not—and should not be—required to accept analytical judgments of the intelligence community. It is healthy for policymakers to think critically about intelligence and ask tough questions. Competing viewpoints improve intelligence and policy. As both the SSCI and the WMD Commission concluded, the government needs more, not less, critical thinking about intelligence.

³¹ WMD Commission Final Report, p. 418.

³² SSCI Report, p. 34.

³³ SSCI Report, p. 34.

³⁴ George Tenet, remarks of the Director of Central Intelligence before the Senate Armed Services Committee hearing regarding Future Worldwide Threats to U.S. National Security, March 9, 2004 (“I’m the president’s chief intelligence officer; I have the definitive view about these subjects. From my perspective, . . . it is my view that prevails.”).

³⁵ E.g. Dana Priest, “Pentagon Shadow Loses Some Mystique,” Washington Post A11, March 13, 2004 (“[DOD’s] work did not change [Hadley’s] thinking because his source for intelligence information are the products produced by the CIA.”) (quoting Sean McCormack, White House Spokesman) [second brackets in original].

Does Senator Levin Have Evidence For His Allegations About Deception of Congress?

- No. The essence of Senator Levin's allegation is that Mr. Feith inaccurately told congressional committees that DOD made CIA-requested changes to a document that DOD delivered to those committees. But the CIA has confirmed in writing that DOD did, in fact, make all the CIA-requested changes.
- Facts:
 - In a briefing to the SSCI, Mr. Feith explained that members of his staff believed that the intelligence community had ignored or underplayed certain old intelligence reports pertaining to Iraq-al Qaeda contacts.
 - Following that briefing, the SSCI sent Mr. Feith Questions for the Record. One question asked him to list those old intelligence reports to which he referred.
 - As part of the answer to the Questions for the Record, Mr. Feith's office listed the titles and added summaries of the reports. This list, with the summaries, was a classified annex to Mr. Feith's answer to the SSCI.
 - As some of the reports—including the titles—were classified ORCON,³⁶ DOD requested permission of CIA to send the annex to the SSCI.
 - Later, other committees, including the Senate Armed Services, asked DOD for a copy of the annex.
 - So, DOD again asked for CIA permission.
 - CIA gave the permission on the condition that DOD make certain additions, deletions and clarifications to the annex.
 - When DOD delivered the annex to the congressional committees, its cover letter described all the changes the CIA had requested.
- October 22, 2004: Senator Levin released his personal report on the Pentagon's pre-Iraq-war activities. He asserted that that cover letter was deceptive in that it did not accurately reflect the changes requested by the CIA; but he was quoted in the New York Times saying that he "had no evidence that Mr. Feith's conduct had been illegal."³⁷
- In his own report, the only basis Senator Levin provides for his conclusion of deception is the following: "A comparison of the classified CIA-requested corrections and Feith's Addendum [the cover letter] reveals that while some of the CIA's corrections were made, highly significant corrections relating to Iraq-al Qaeda contacts were not made."³⁸

³⁶ Originator Control. All agencies that receive ORCON material must receive permission from the originating agency before disseminating it further.

³⁷ Douglas Jehl, "Pentagon Reportedly Skewed C.I.A.'s View of Qaeda Tie," N.Y. Times A10, Oct. 22, 2004 (quoting Senator Carl Levin).

³⁸ Senator Carl Levin, Ranking Member, Senate Armed Services Committee, *Report of an Inquiry into the Alternative Analysis of the Issue of an Iraq-Al Qaeda Relationship*, p. 27, Oct. 21, 2004, available at <http://levin.senate.gov/newsroom/supporting/2004/102104inquiryreport.pdf>.

- November 1, 2004: A few days after Senator Levin’s allegation of deception, the CIA confirmed that, contrary to Senator Levin’s charge, DOD had made all the changes requested by the CIA.
 - The CIA Director of Congressional Affairs wrote to Mr. Feith that, after a careful comparison between the October 2003 submission and “what we had requested as our condition for clearance of CIA material, I believe that *you made all of the changes we requested.*”³⁹
- September 22, 2005: Senator Levin repeated the same allegation of deception in his letter to the Department of Defense Inspector General. Senator Levin asserted that DOD “sent to several congressional committees in January 2004 revised ORCON materials that were represented as containing the CIA’s requested changes to the October 2003 documents, but which did not fully and accurately reflect the CIA’s requested changes,” and he asked if this constituted “mislead[ing] Congress.”⁴⁰
- Thus, Senator Levin repeated a serious charge, the factual basis of which the CIA had undercut nearly a year before.
- To this day, Senator Levin has yet to retract, or apologize for his allegation against Mr. Feith, which the CIA long ago exposed as having no foundation.

³⁹ Stanley M. Moskowitz, letter of the CIA Director of Congressional Affairs to Douglas J. Feith, Under Secretary of Defense for Policy, Nov. 1, 2004 (emphasis added).

⁴⁰ Senator Carl Levin, Sept. 22, 2005, letter to the Department of Defense Inspector General, ¶ 5.

Does Senator Rockefeller Have Evidence For His Suggestions of “Unlawful” Conduct by DOD?

- No.
- At the July 9, 2004, press conference for the public release of the SSCI report, Senator Rockefeller asked whether “the number three guy in the Defense Department, Douglas Feith, . . . was he running a private intelligence failure [sic – the Senator presumably meant operation], which is not lawful.”
- In response, the Assistant Secretary of Defense for Legislative Affairs wrote to Senator Rockefeller asking him to provide “evidence supporting the serious charge, . . . [or] a retraction and apology would be appropriate.”⁴¹
- To this day, Senator Rockefeller has not provided any evidence for the charge, has not apologized for it, but has not abandoned it.
 - SSCI Chairman Pat Roberts summarized the situation: “The Committee is concerned about persistent and, to date, unsubstantiated allegations that there was something unlawful or improper about the activities of the Office of Special Plans within the office of the Under Secretary of Defense for Policy. . . . I have not discovered any credible evidence of unlawful or improper activity, yet the allegations persist.”⁴²

⁴¹ Powell A. Moore, letter from the Assistant Secretary of Defense for Legislative Affairs to Senator John Rockefeller, IV, Vice Chairman, Senate Select Committee on Intelligence, July 9, 2004.

⁴² Senator Pat Roberts, Sept. 9, 2005, letter to the Department of Defense Inspector General.

The Pentagon Offices Acted Like the Policy Offices That They Were

Critics have argued that it was improper to create the PCTEG and the OSP, and that it was improper for a policy organization to challenge the intelligence community and to discuss that challenge with other policy offices in the government.

It would have been policymaking malpractice not to create these offices.

DOD's policy organization was responsible for helping develop strategy and policy options for Iraq. It was required to propose ideas, for example, on how to engage the United Nations, how to work with the Iraqi opposition to Saddam Hussein, and how Secretary Rumsfeld might provide strategic guidance for the United States Central Command operational plans. It was sensible to increase the staff of the Near East and South Asia office to handle the increased Iraq-related work load. And it was sensible to organize the OSP sub-directorate in that office. Indeed, it would have been irresponsible not to create OSP.

Even though critics often denounce the "Office of Special Plans," their criticisms usually relate to work done before OSP even came into existence—work more closely related to activities of the PCTEG and the activities regarding the al Qaeda-Iraq connection done by various members of the DOD staff. Some critics have argued that the Pentagon created its own secret intelligence cell to collect information as a substitute for the CIA.

As the foregoing fact sheets show, these criticisms and arguments are misinformed. The PCTEG project was proper for the Policy organization. The Under Secretary was correct in asking his policy staff, after the terrorist attacks of September 11, to review the large amounts of intelligence on terrorist networks so that he and others on the staff could make better informed recommendations as to strategy and policy. Reviewing intelligence to make policy recommendations is the essence of what policy analysts do. It was not the job of the PCTEG or any other part of the Policy organization to collect intelligence. The idea that the PCTEG was supposed to substitute for the CIA regarding collection or analysis is absurd. It was a two-person operation, after all. As for the work done by Policy staff in criticizing the intelligence community's analysis of the al Qaeda-Iraq connection, the bipartisan SSCI scrutinized that effort. The SSCI unanimously found it to be professional and proper. They praised it for having helped improve the intelligence product. Both the SSCI and the WMD Commission concluded that the government needs more, not less, challenging of intelligence analysts by policymakers.

Accusations that the Policy organization "cherry picked" the information that went to the President or to the White House are based on a misunderstanding of how intelligence is disseminated. DOD's Policy organization would not have been in a position to do such cherry picking, even if it wanted to. Cherry picking implies that one can shield an audience from certain information while highlighting other information that one favors. But DOD did not control the flow of intelligence information to the White House. It has no ability ever to shield White House officials from information from the intelligence community. Indeed, the DOD briefing of the critique of the intelligence on al Qaeda-Iraq connections was designed not as a substitute for the intelligence community's reporting, but as a supplement to it.

If DOD policy personnel wanted to criticize the work of the intelligence community, they could do so, and such criticism is routine in discussions among policymakers throughout the government, but that does not amount to cherry picking. The cherry picking accusation implies that policymakers are doing something improper when they present what they consider to be the relevant facts in support of a policy recommendation. The intelligence community helps policymakers understand what the facts are around the world. But policymakers are free to decide which of those facts are most important for a decision. It is not serious to suggest that it is cherry picking when an intelligence analyst disagrees with a policymaker as to which facts are the key to a given issue. The term cherry picking is even less relevant when the disagreement between intelligence and policy personnel is not about facts, but about analysis.

The implication of the cherry picking accusation is that DOD wanted to present to the White House only information that might induce the President to go to war. But as has been widely reported in the news media, Secretary of Defense Rumsfeld and his team presented to the President on more than one occasion long lists of problems that might arise in the event of war. The President encouraged his officials to consider such problems.

Bruce Berkowitz, former Scholar in Residence at the CIA's Kent Center for Analysis, has explained how it is not possible, nor would it be advisable, to limit a decision maker to one source of information in his decision-making process:

Critics of the Bush administration claim officials "cherry picked" intelligence to fit their own preconceptions or relied too much on outside analysts. . . . This suggests that intelligence is—or ought to be—the most important input for government officials. In reality, intelligence is just one drop in a fire-hose torrent of facts and analysis an official sees every day. Personal contacts, think tank papers, press reports, and the gut reactions an official brings to office are usually much more important.⁴³

It is up to policymakers to decide amongst competing information.

It was proper for DOD staff members to criticize intelligence in meetings with other policymakers. The audience for such criticism knows the difference between an intelligence community assessment and a policy office's criticism of such an assessment. If that audience wants a rebuttal of the criticism from the intelligence community, the rebuttal can readily be obtained.

Critics of DOD have asserted that it was improper for DOD policy staff to criticize intelligence at the White House without CIA staff being present to provide an on-the-spot rebuttal. First of all, it was up to the White House staffers to invite whomever they wanted to their meeting with the DOD staff. And second, it would be unworkable to adopt a rule that policymakers cannot criticize intelligence unless they are in the presence of CIA representatives.

⁴³ Bruce Berkowitz, "We Collected a Little, and Assumed a Lot," Washington Post, Feb. 1, 2004.

Should the President of the United States, in making phone calls to seek policy input and advice, have to clear those phone calls with the intelligence community if an intelligence product is at issue? If a Senator receives a briefing from the intelligence community, does that Senator then have to let the intelligence community analyst know that the Senator plans to seek additional, possibly contradictory input from third parties so that that analyst can monitor and respond? Would it be improper for a Senator to have staff review intelligence products and other sources of information to test the intelligence community's conclusions before committing to a policy decision? These are the unrealistic but logical extensions of the criticism that Senator Levin and others have directed against DOD regarding its work on the al Qaeda-Iraq connection.

For example, as his previously mentioned letter to the DOD Inspector General makes clear, Senator Levin considers it improper that the Policy organization sent "to the Secretary of Defense and the Deputy Secretary of Defense a written critique of a report titled *Iraq and al Qaida: Interpreting a Murky Relationship* prepared by the DCI's Counter Terrorism Center (CTC), stating that the 'CIA's interpretation ought to be ignored,' *without providing the CIA notice or an opportunity to respond.*"⁴⁴ Even if one left aside the issue of quoting the Policy organization out of context, this comment from Senator Levin's letter is peculiar. It is saying that it is improper for the Secretary of Defense to hear criticism from his own staff of a CIA product without the CIA being given rights to debate the critics. The intelligence community does not have a right of rebuttal in the policymaking process. It is simply one supplier of information.

Policymakers are elected or appointed to make policy based on various types of information, of which intelligence is one. It is their role to consider a wide range of information and competing viewpoints. Policymaking does not get tainted simply because the intelligence community is not given the last word in the process.

Conclusion

The allegations of unlawful, improper and inappropriate activities by the Office of the Under Secretary of Defense for Policy with regard to Iraq pre-war intelligence reflect misunderstandings about the facts and impractical ideas about how the U.S. government works. These allegations have been looked at and dismissed by the Senate Select Committee on Intelligence. It is irresponsible for critics of the administration in the U.S. Senate and elsewhere to continue to put these allegations forward when they know, or should know, that there is no evidence to support them.

⁴⁴ See, e.g., Senator Carl Levin, Sept. 22, 2005, letter to the Department of Defense Inspector General, ¶ 10 (emphasis added).